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REGULATORY AUTH.

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February 5, 2001

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VIA HAND DELIVERY

David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Interconnection Agreement Negotiations Between AT&T  
Communications of the South Central States, Inc. TCG MidSouth, Inc.  
and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252  
Docket No. 00-00079*

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Response to AT&T's Motion to Compel and Request for Expedited Order. Copies of the enclosed are being provided to counsel of record for all parties.

Very truly yours,

Guy M. Hicks

GMH:ch  
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**Nashville, Tennessee**

In Re:        *Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. TCG MidSouth, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252*

Docket No. 00-00079

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSE TO AT&T'S  
MOTION TO COMPEL AND REQUEST FOR EXPEDITED ORDER**

On January 29, 2001, AT&T Communications of the South Central States, Inc. ("AT&T") filed a Motion to Compel and Request for Expedited Order, seeking to have the Tennessee Regulatory Authority ("Authority") order BellSouth Telecommunications, Inc. ("BellSouth") to answer certain interrogatories posed to BellSouth by AT&T. AT&T asserted that it needs BellSouth's responses (presumably assuming that the Authority agreed with AT&T that the interrogatories should be answered) on an expedited basis so that the responses could be reviewed in preparation for AT&T's pending arbitration hearing.

**GENERAL RESPONSE**

BellSouth opposes AT&T's Motion to Compel. While BellSouth will address the individual discovery requests below, the Authority should dismiss this motion in its entirety for the reasons set forth below.

AT&T's first set of interrogatories, which contained disputed interrogatories 25, 26, 27, 28, 32, 33, 35 and 42 and first set of requests for production of

documents, which contained POD 15, were served on BellSouth on or about November 27, 2000. Four days later, on December 1, 2000, in accordance with the Procedural Order issue by this Authority on October 27, 2000, BellSouth served upon AT&T its objections to certain discovery requests included in AT&T's first set, including those listed above.

Pursuant to the Authority's Procedural Order, BellSouth's objections were filed within 4 days of service. The Authority clearly imposed such a shortened time period so that if the party seeking discovery wanted to file a motion to compel in a timely manner and well before its testimony was due, it would have an opportunity to do so. Indeed, the procedure imposed by the Authority was problematic, since BellSouth was served with the interrogatories on Monday, November 27, 2000 and had to file its objections by Friday, December 1, 2000; nevertheless, BellSouth has adhered to the Authority's directions.

Now, AT&T has filed its motion to compel responses to certain interrogatories that BellSouth objected to more than two months ago. If the Authority's order requiring objections to be filed within 4 days of filing the discovery is to have any meaning at all, then the parties taking exception to those objections should not be allowed to sit on their hands for two months before seeking Authority intervention. The answers to the interrogatories were due on December 8, 2000. The parties' direct testimony was due December 20, 2000 and rebuttal testimony was due January 8, 2001, a full month after the discovery responses were due. BellSouth could have filed its objections to AT&T's discovery

at the normal time required by the Tennessee Rules of Civil Procedure and AT&T could have still filed its Motion on January 29, 2001.

Moreover, AT&T cannot allege that its filing was delayed because it did not know some relevant fact or that it did not know that it would really need the information requested until now. First, the discovery requests that AT&T now seeks to compel are, in large part, identical or substantially identical to interrogatories filed in another AT&T arbitration in North Carolina. In that proceeding, AT&T filed a motion to compel and received limited responses to some of the interrogatories last June. Indeed, the North Carolina Utilities Commission sustained BellSouth's objections to two of these interrogatories and limited answers to others to North Carolina data.

Moreover, the interrogatories and request for production of documents that AT&T is now seeking to compel responses to are identical in all relevant parts to interrogatories and requests for documents that AT&T filed in Florida as well and to which BellSouth also objected. AT&T tried on January 11, 2001, to get the Florida Public Service Commission to compel BellSouth to answer these same interrogatories. Indeed, it is probable that the present motion to compel was filed because the Florida Public Service Commission Staff informed the pre-hearing officer and the parties that the Staff probably would recommend denial of the motion simply because AT&T had been so dilatory in filing the motion.

That same result should obtain here. The Authority allowed AT&T to file discovery and required BellSouth to object within four days and to answer the

discovery 8 days later, all well before the direct and rebuttal testimony was due in this proceeding. The obvious reason for requiring such objections to be filed so early in the process was to allow the parties and the Authority to resolve discovery disputes in a timely manner. AT&T filed no such motion in for two months. Now the testimony has been filed, the case is ready to try, and suddenly a motion to compel and to expedite BellSouth's answers is filed.

The timing of the filing of the motion to compel raises another issue. Why does AT&T need expedited responses for a hearing that isn't even scheduled? The answer is that it does not. It is simply trying to use the Tennessee Regulatory Authority to order BellSouth to do something that the Florida Public Service Commission has not done as a result of a similar motion to compel filed in Florida. AT&T wants the information on an expedited basis so that the answers could be used in the Florida AT&T arbitration that is scheduled for February 14-16, 2001. The Authority should not be a party to such an effort to circumvent the ongoing process in Florida.

Even if AT&T's dilatory tactics were not enough reason to deny its motion to compel, it completely failed to address in its motion to compel, one of BellSouth's other general objections that should preclude AT&T from obtaining relief from this Authority. Specifically, AT&T served on BellSouth approximately 100 discovery requests, consisting of 74 interrogatories including subparts and 26 requests for production of documents. As BellSouth noted in its December filing, objecting to AT&T's discovery, Rule 1220-1-2-. 11(5)(a) provides that a party may not serve

more than 40 discovery requests including sub-parts without first having obtained permission of the Authority to do so. To BellSouth's knowledge, AT&T had not, and did not request and obtain permission from this Authority to exceed the number of discovery requests normally allowed. While the rule allows BellSouth to simply answer the first forty requests, BellSouth instead, in an effort to not burden this process, responded to 78 discovery requests, including sub-parts. Clearly BellSouth has responded to more than the required number of discovery requests and AT&T is not entitled at this time to have further interrogatories or requests for production of documents answered.

Finally, as a general matter, several of the requests seek information that falls outside the jurisdiction of the Authority. That is, with regard to several of the discovery requests, AT&T asks for information from all nine BellSouth states. That is entirely improper. Indeed, the AT&T arbitration process, at least to the extent that there has been a hearing, is complete in North Carolina, South Carolina and Louisiana. Indeed, an order has already been issued in South Carolina. There is no reason for the Authority, even if it had the jurisdiction to do so, to order the production of information with respect to other states.

AT&T has acted in a dilatory fashion and it has submitted discovery in violation of the Authority's rules. If it needed the requested information, it has had plenty of time to file its motion. It is patently unfair to require BellSouth to answer these discovery requests at all, because AT&T has sat on its hands. AT&T's Motion to Compel and Request for Expedited order should be denied.

## **SPECIFIC RESPONSES**

**REQUEST 25:** Please state whether BellSouth has a time frame for issuing clarifications, jeopardy notices, and rejections from the time of the receipt of the LSR. If yes, please provide the time frame(s) and a detailed explanation for these time frames.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

According to AT&T, this interrogatory relates to Issue 18 (b) and (c). Issue 18 (b), as is explained in BellSouth's prefiled testimony, relates to the question of whether every order that AT&T wants to submit to BellSouth has to be submitted electronically, or whether it is acceptable for BellSouth to require that some AT&T orders be submitted manually. As the testimony explains, some complex orders, for both AT&T and BellSouth's own retail operations, have to be written down (either literally written down or taken down electronically and printed out) and then submitted to the appropriate place, either BellSouth's Local Carrier Service Center (LCSC) for CLECs or a BellSouth service representative with access to ROS for

BellSouth's retail operations, where it is then entered into BellSouth's system for further processing. The issue presented is whether allowing some orders to be submitted manually instead of electronically means that BellSouth has somehow failed to provide AT&T with nondiscriminatory access.

Issue 18 (c) deals with the situation where an order can be submitted electronically, and is, but "falls" out for manual handling once it reaches BellSouth. The question here is whether BellSouth is required to create a system where an order processes through BellSouth's systems without human intervention, not whether the system that it has created is allowing the orders to "flow through" in a nondiscriminatory manner. In this regard, as BellSouth has clearly stated in its testimony, such flow through is not required, even by the FCC, in order to demonstrate that BellSouth is providing AT&T with nondiscriminatory access to unbundled network elements.

The interrogatory on its face, moreover, relates to what occurs after the Local Service Request (LSR) is received by BellSouth. That is, and as BellSouth's testimony indicates, a clarification or a jeopardy notice would only issue after the LSR has actually resulted in a service order being issued. That has nothing at all to do with electronic ordering, which is what Issue 18(b) and (c) address. As for the rejection notice, it could occur after the LSR is submitted, but before the Firm Order Confirmation (FOC) is issued, but again, that has nothing to do with whether the order is submitted electronically or manually.



AT&T is simply stretching. This interrogatory has nothing to do with this docket and BellSouth properly objected to it.

**REQUEST 26:** Describe in detail the methodology utilized by BellSouth to calculate the "Percent Flow Through Service Requests Report" and "LNP Percent Flow through Service Requests Report" for service requests submitted on or after September 1, 2000, including a description of any changes to that methodology that have been implemented since that date. Include descriptions for all sub-sections of each report (Summary, Detail, Residence Detail, Business Detail, UNE Detail, Flow Through Error Analysis, LNP Summary, and LNP Aggregate Detail).

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 27:** List, identify and describe all products or services contained in BellSouth Flow through Reports under the following categories:

- a) LNP;
- b) UNE;
- c) Business; and
- d) Residence.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or

will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 42:** Please describe in detail the methodology utilized by BellSouth to calculate the "Percent Flow Through Service Requests" for BellSouth's retail operations. Provide the methodology for requests placed using the Regional Negotiation System (RNS) and using the Regional Ordering System (ROS).

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

AT&T asserts that these three interrogatories relate to Issue 18 (b) and (c), discussed above. The issue that the interrogatories address, however, is not whether BellSouth has an obligation to create a system that will allow AT&T's orders to pass through BellSouth's systems untouched by human hands (which the FCC has made clear is not BellSouth's obligation), but whether BellSouth is

discriminating against AT&T. The "Flow Through Reports" and "Flow Through Service Request Reports" that AT&T is addressing deal with how orders are processed and whether AT&T is receiving parity or has a "meaningful opportunity to compete."

AT&T attempts to tie these requests to BellSouth Witness Pate's testimony, where he talks about developing software to allow complex orders to be submitted electronically and why all electronic orders cannot flow through BellSouth's systems. That testimony has nothing to do with the interrogatories that AT&T is seeking to have answered. These questions do not address the merits of his claims as to why something has not happened, they would, at best, address what has happened. Those subjects have to be addressed in a generic performance measures docket and not this one. BellSouth's objections to these interrogatories were appropriate.

**REQUEST 32:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Tennessee specifically, provide the total number of CLEC trouble reports received by BellSouth by interface/process.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the

discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

**REQUEST 33:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Tennessee specifically, provide the total number of BellSouth retail trouble reports received by BellSouth by interface/process.

**OBJECTION:** BellSouth objects to this interrogatory on the grounds that AT&T is seeking information that is only relevant to issues that relate to performance measures and such issues are not being arbitrated in this proceeding. Therefore, this interrogatory will not lead to the discovery of evidence that is either relevant to or will lead to the discovery of admissible evidence related to the remaining issues in this proceeding. If AT&T will identify the issue or issues remaining in this proceeding that this interrogatory relates to, together with an explanation of why the information requested is either relevant to or likely lead to the discovery of admissible evidence related to such issues, BellSouth would reconsider its position. Until that occurs, however, BellSouth objects to taking the time and incurring the expense of responding to interrogatories that, on their face, do not relate to this docket.

These two interrogatories, according to AT&T, relate to issue 19, which deals with the functionality of Trouble Analysis and Facilitation ("TAFI") and Work Force Administration ("WFA") in the Electronic Communications Trouble Administration ("ECTA"). Basically, TAFI and WFA are the human-to-machine interfaces that BellSouth uses for repair and maintenance. BellSouth has provided full access to TAFI, which AT&T does not dispute. Indeed, the CLECs' access to TAFI provides them with the functionality that requires BellSouth to use two

systems (TAFI and WFA) to achieve. In addition to TAFI, BellSouth provides AT&T with access to ECTA, which is a machine-to-machine maintenance and repair system. The problem embodied in this issue is that ECTA does not have all of the functionality of TAFI, which everyone agrees about, and that ECTA can be integrated into AT&T's back office systems, and TAFI cannot. As a result, AT&T wants BellSouth, at no charge, to build AT&T a system like ECTA that can be integrated into AT&T's back office systems, but that contains all of the functionality of TAFI.

BellSouth's position, as is clear from its testimony, is that such a system could be built, but it would not be an industry standard system and AT&T would have to pay for it, which of course AT&T does not want to do. Beyond that, the FCC has made it clear that BellSouth is not obligated to provide for free a system that has all of the functionality of TAFI, but can be integrated into AT&T's systems. The issue to be resolved here is whether BellSouth's position, which is consistent with the FCC's rulings, is correct.

The interrogatories, on the other hand, ask for CLEC and BellSouth trouble report volumes submitted via each of the interfaces that are under discussion. This information has nothing to do with the issue of whether AT&T is entitled to have BellSouth build for it, at no cost to AT&T, a new interface.

Any claim that AT&T is not getting nondiscriminatory access to BellSouth's maintenance and repair systems should be resolved in a generic performance measures proceeding, not an individual arbitration. The questions that AT&T has

asked, in addition to improperly covering nine states, has nothing to do with the issues before the Authority. BellSouth's objections were appropriate.

**REQUEST 28:** For each month beginning January 2000 through October 2000, across all nine BellSouth states and for Tennessee specifically, identify the volume of BellSouth employee input service requests that failed to be accepted by SOCS as valid service orders and thus did not reach assignable order (AO) status.

**OBJECTION:** BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of admissible evidence related to the remaining issues in this proceeding. The number of requests for service that BellSouth has received and the number of service orders it has issued have nothing to do with any issue that remains in this proceeding. Furthermore, it appears that BellSouth does not retain this information.

**REQUEST 35:** For each month beginning May 2000 through October 2000, across all nine BellSouth states and for Tennessee specifically, identify the volume of BellSouth service requests for retail local exchange services and the volume of service orders (SOs) subsequently issued.

**OBJECTION:** BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of admissible evidence related to the remaining issues in this proceeding. The number of requests for service that BellSouth has received and the number of service orders it has issued have nothing to do with any issue that remains in this proceeding.

AT&T asserts that these two interrogatories also relate to Issue 18 (b) and (c). BellSouth's objections are essentially the same as those raised to the other

interrogatories related to these issues. As previously stated, the question is whether BellSouth is obligated to allow all orders to flow through electronically without human intervention. The FCC has already addressed this issue and found that the mere fact that some CLEC orders "fall" out for manual handling does not mean that the incumbent local exchange carrier is providing discriminatory access. That should be a dead issue.

Both of these interrogatories ask about service order requests submitted by BellSouth employees, presumably on behalf of BellSouth retail customers. Interrogatory 28 asks how many of these service order requests were rejected and therefore never had a service order issued. Interrogatory 35 asks how many service order requests were submitted by BellSouth employees and were accepted. Both requests ask for the information broken down by month and by the system used to place the order.

AT&T's rationale for wanting this information simply makes no sense. AT&T claims that this information relates to its request for OSS functionality equivalent to that available to BellSouth. All these interrogatories request are the number of service requests submitted and then either the "failures" in the case of Interrogatory 28 or the "successes" in the case of Interrogatory 35. That is, of course, dependent at least in part on whether the service order request was submitted correctly. Even AT&T will admit that the edits the service order requests are subjected to have been made available to AT&T and that AT&T has the ability to incorporate these edits into its own systems.

AT&T also asserts that it is entitled to understand all "aspects of BellSouth's manual processing of CLEC orders and to compare those operations with BellSouth's manual processing of its own orders." The data that is requested here, however, has to do with what happens to an order after it is submitted electronically using one of the systems set out in the interrogatories. The information that AT&T has requested is neither relevant, nor calculated to lead to the discovery of admissible evidence. BellSouth's objections were appropriate.

**REQUEST NO. 15:** Produce any and all documents, including, but not limited to, all reports, underlying work papers and guidelines that describe or from which one can calculate the percentage of orders for BellSouth's retail business customers that flowed through BellSouth's legacy systems, without human intervention, after input to ROS by a BellSouth employee for each month from May 2000 through October 2000 inclusive.

**OBJECTION:** BellSouth objects to this interrogatory on the ground that the interrogatory will neither lead to the discovery relevant evidence nor to the discovery of admissible evidence related to the issues remaining in this proceeding.

Once again, AT&T asserts that this Request for Production of Documents is somehow

relevant to Issues 18 (b) and (c). Once again, BellSouth states that these issues relate to BellSouth's obligation, which does not exist, to create a system that will allow AT&T to submit every one of its order to BellSouth electronically, and for every order to flow through to the creation of a service order without human



intervention. BellSouth has no legal obligation to create such a system. The FCC, in approving Bell Atlantic and SBC's requests for interLATA relief, has address the question of whether every order has to flow though without human intervention and has determined that it does not. The question of what happens to orders when they are entered into BellSouth's current version of its Regional Ordering System is simply not relevant to that issue.

There is another important issue that AT&T continues to ignore that can be illustrated very clearly in this context and that is the meaning of the term "flow through." That term, as the FCC uses it, and as BellSouth uses it, relates to whether an order, placed by AT&T, "flows" over the interface that links AT&T to BellSouth's legacy systems, or whether it drops out for manual handling and subsequent entry into BellSouth's systems through its Direct Order Entry (DOE) or SONGS (Service Order Negotiation System). BellSouth's basic (not complex) orders start at the point where the order is entered into the equivalent of DOE or SONGS. There is no equivalent flow through for BellSouth's orders, an issue that AT&T simply wants to ignore.

The material that AT&T is seeking through POD 15 is not relevant to any remaining issue in this proceeding, nor is it calculated to lead to the discovery of admissible evidence in this proceeding. BellSouth's objection was proper.

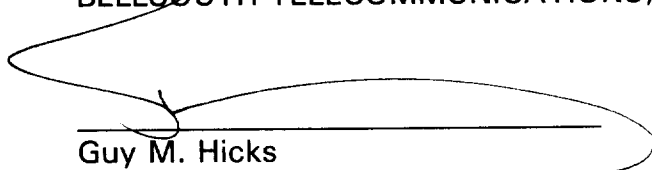
### **CONCLUSION**

AT&T has evidently made a decision that it will simply go from state to state with its Motion to Compel, trying to find some regulatory body that will order

BellSouth to respond to AT&T's irrelevant and inappropriate discovery requests. It has been unsuccessful in large part in North Carolina, it evidently expects to be unsuccessful in Florida, and so now it has come to this Authority, hoping to change its luck. The simply truth of the matter is that AT&T's motion is too late, and even if it were not, its data requests violate this Authority's rules regarding discovery. Furthermore, the requests that it seeks to have this Authority compel BellSouth to answer are simply not relevant to the issues still pending before this Authority. AT&T's Motion to Compel and motion for Expedited Response should be denied. BellSouth respectfully request the opportunity to present oral argument in response to AT&T's Motion.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



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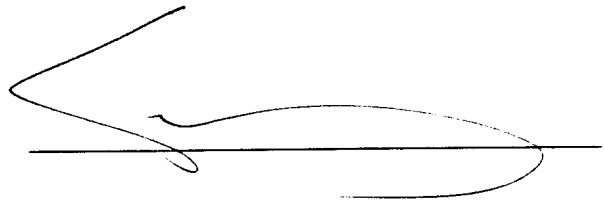
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☒ Electronic Mail

James Lamoureux, Esquire  
AT&T  
1200 Peachtree St., NE  
Atlanta, GA 30309

A handwritten signature in black ink, appearing to read 'James Lamoureux', is written over a horizontal line.